

**REMARKS/ARGUMENTS**

Claims 1-12 stand in the present application, claims 7, 9, 10 and 12 having been amended. Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

In the Office Action, the Examiner has rejected claims 7 and 10-12 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which Applicant regards as the invention. More particularly, the Examiner believes that the claims while reciting means plus function format contain sufficient structure so as to not be in means plus function format. Although Applicant does not agree with the Examiner's § 112, second paragraph, rejection of these claims, in order to expeditiously place this case in condition for allowance, Applicant has amended claims 7, 9, 10 and 12 to delete the means plus function language. These claim amendments should be entered for at least purposes of appeal. It is noted that Applicant is concurrently filing with this Amendment a Notice of Appeal in view of the finality of the present Office Action.

The Examiner has rejected claims 1-4, 6-10 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Endo in view of Okano, and has rejected claims 5 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Endo and Okano and further in view of Devir et al. ("Devir").

The rejection of claims 1-4, 6-10 and 12 under 35 U.S.C. §103 as allegedly being made "obvious" based on Endo '486 in view of Okano '183 is respectfully traversed. It is noted that the Examiner only refers to Okano with respect to the rejection of claims 3 and 9. That is, it appears that the Examiner alleges anticipation by Endo of claims 1, 2, 4-6, 7-8, 10 and 11, but "obviousness" with respect to claims 3 and 9.

As stated previously, the structure taught and/or suggested by the cited art is not believed to provide Applicant's advantageous capsule/adapter/collar/socket assembly that allows adjustment in three orthogonal dimensions with respect to each other (i.e., both along and around each of three orthogonal axes) to achieve more optimized

filament placement (i.e., in a focused position) before being welded together in a final, permanent position. The Examiner has given no patentable weight to this limitation contained in the "wherein" clause of independent claims 1 and 7. See Office Action at pages 4-5 and 7. This constitutes error since the "wherein" clauses recite a structural arrangement of the adapter, collar and socket which allows the filament position to be optimized. As noted at 2111.04 of the MPEP, where such a clause "states a condition that is material to patentability, it cannot be ignored in order to change the substance of the invention." Citing *Hoffer v. Microsoft*, 405 F.3d 1326, 1329 (Fed Cir. 2005).

More particularly, Applicant's lamp-socket assembly achieves the objective of accurate alignment by virtue of a distinctive combination of (a) an adapter and (b) adjustment collar – and their cooperative relationship with a socket. The adapter and collar provide flexible, yet firm, characteristics to the lamp assembly, thereby permitting the filament to be aligned with a reference axis and then positioned therealong at an optimum position of focus.

Due to manufacturing limitations, it is not always possible to make lamps with filaments accurately aligned in the capsule. Alternatively, it is also not possible to manufacture lamps having identical alignment of the filament inside of the capsule. Therefore, the lamp filament may not always be accurately positioned inside of the capsule. When such a lamp is used in headlights, even a minor aberration in the filament position may translate into large-scale deviation of light distribution – because the filament is not positioned correctly with respect to the reflector. To achieve accurate alignment of the lamp-socket assembly with respect to a reference plane, there must be some scope for three-dimensional adjustment of the filament (inside the capsule) *vis-à-vis* the reflector.

In Applicant's assembly, it is possible to adjust the position of the filament by moving the constituent parts along and around three axes perpendicular to each other, i.e., along and around vertical axes and along and around two axes perpendicular to each other in a horizontal plane:

- The flat surface (8) of the adapter (5) is weldably mounted on the flat surface (9) of the adjustment collar (10).
- In the mounted form, slit (6') of the adapter and the opening (9") of the adjustment collar are in alignment with each other to enable the press seal portion (3) of the capsule (1) to pass comfortably therethrough. The capsule (1) is fitted to the adapter (5) by means of press seal (3).
- Care is taken to ensure that the welding of the two flat surfaces (8 and 9) is carried out only after focusing. Proper alignment of the filament with respect to a reference plane and reference axis is called *focusing*. Focusing is achieved by sliding the capsule (1) with the adapter means (5) over the horizontal surface (9) of the adjustment collar (10) and adjusting their position relative to the socket so that the center of at least one end of the filament falls on a predetermined position from the central axis depending upon the tilt of the filament with respect to the reference axis passing through the center of the vertical sidewalls of the adjustment collar and perpendicular to the horizontal flat surface of the adjustment collar.
- The above-described structure also leaves enough room for movement of the capsule (1), adapter (5) and collar (10) assembly in the socket (14) to align the filament axis with the reference axis. For example, the upper open end of the socket may have vertical weld means or lugs (16) for welding the socket assembly (7) to the adapter-adjustment collar assembly.
- It is thus possible to adjust the position of the filament (2) by moving the constituent parts (1, 5 and 10, i.e., capsule-adapter-adjustment collar assembly) with respect to each other and/or the socket along and around three axes perpendicular to each other.

- Vertical weld surfaces or projecting lugs (16) of the exemplary embodiments provide flexibility while adjusting the capsule-adapter-adjustment collar assembly (1-5-10) in the socket (14). The lugs (16) also are helpful for proper contact of the assembly during and after the adjustment, thereby resulting in a proper welding of the constituent parts. In this way, the whole incandescent lamp assembly is adjusted for optimum focus and is securely welded thereat.
- Thus, the present invention makes it possible to position the filament with respect to (a) a reference plane and (b) a reference axis by adjustable movement of the sub-assemblies before finally being welded with the filament at the position of optimum focus that will satisfy international standards.

Endo at 4:42-46 describes fastening the halogen bulb 10 to the holder 16:

“...At this time, the flange 60 of the base 56 is moved along the inner wall of the sleeve member 42, and the filaments are positioned in the vertical direction. When the supporting portion 52 is being moved on the base 56, the filament[s] are positioned in a lateral direction....”

From the above description, it is clear that Endo's positioning of the filament is restricted to vertical and lateral directions. If the filament is tilted with respect to a vertical reference axis passing through the center of the sleeve member (42), the filament apparently cannot be positioned vertically by moving the sub-assembly (members 10, 50 and 56) in the sleeve member (42) around two axes perpendicular to each other in a horizontal plane. If attempted, the portions (60) of member (56) would not appear to have proper contact with the inner surface of the sleeve member (42), resulting in improper welding.

Relative movement of Endo's support assembly with respect to the holder so as to achieve greater accuracy in filament alignment is thus apparently not possible in all

three axes, as required by the present claims. The construction and assemblage of Endo, therefore, does not allow for optimally accurate adjustment of the bulb filament.

Applicant's claimed invention, however, provides for filament adjustment with respect to the reference plane and reference axis by adjustable movement of the sub-assemblies before finally welding the filament at the position of optimum location inside the reflector of the headlight. Accordingly, independent claims 1 and 7 and their respective dependent claims patentably define over the cited art.

Given the deficiencies of Endo already noted above with respect to independent claim 1, it is not believed necessary at this time to further discuss deficiencies of this allegedly "obvious" combination of references with respect to other features of the rejected claims.

The rejection of claim 5 under 35 USC §103 as allegedly being made "obvious" based on Endo/Okano in further view of Devir '955 is also respectfully traversed.

Once again, deficiencies of Endo have already been noted above with respect to parent claim 1. Neither Okano nor Devir are believed to supply these deficiencies. Accordingly, it is not believed necessary to further discuss this allegedly "obvious" combination of references with respect to the additional features of dependent claim 5.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 1-12, standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

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Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

  
Chris Comuntzis  
Reg. No. 31,097

CC:lmr

901 North Glebe Road, 11<sup>th</sup> Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100